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Subject: OGCS06-#151925-v1-aog_9-15_lttr_to_creedom_re_draft_waste_discharge_requirements_for_ucd_center_for_aquatic_biology_and_aquaculture.DOC

Attached for your consideration is a copy of comments prepared by UCD regarding the draft NPDES permit for the CABA facility. A hard copy with attachments is being mailed to you and the Executive Officer via Federal Express for delivery early next week. Thank you for meeting with us earlier this week to discuss the draft permit. Tony

September 15, 2006

Ms. Pamela C. Creedom

Executive Officer

Central Valley Regional Water Quality Control Board

11020 Sun Center Drive No. 200

Rancho Cordova, CA 95670

Re: Comments of University of California, Davis re Draft Waste Discharge Requirements for UCD Center for Aquatic Biology and Aquaculture (NPDES No. CA 0083348)

Dear Executive Officer:

The University of California Davis ("UCD") appreciates the opportunity to submit these comments on the draft renewal of the NPDES permit for the UCD Center for Aquatic Biology and Aquaculture ("CABA") (NPDES NO. CA 0083348). By way of background, CABA consists of two fisheries research facilities located on the UCD campus which support the scientific research conducted by the Aquaculture and Fisheries Program at the University. This research includes studies on toxicology, nutrition, stress, physiology, ecology, engineering, endocrinology, infectious diseases and reproduction. Some of this research is funded by grants from the California State Water Resources Control Board, California Department of Fish and Game and the US Fish and Wildlife Service. At no time has the CABA facility been used as a fish hatchery or fish rearing facility for production of fish.

General Comments:

While UCD appreciates the time and effort the staff of the RWQCB has

committed to developing the draft permit renewal, UCD believes that the draft permit fundamentally misunderstands the purpose and mission of the CABA facility. In particular, the draft permit erroneously categorizes the CABA facility as a cold-water concentrated aquatic animal production ("CAAP") facility which is subject to the effluent limitations established by the US Environmental Protection Agency ("EPA") for such facilities. (40 CFR 122.24).

This is a significant error in the draft permit since under EPA's regulations a CAAP facility must produce at least 20,000 pounds harvest weight of aquatic animals per year and feed at least 5,000 pounds of food during the calendar month of maximum feeding in order to be classified as a CAAP facility. (40 CFR 122.24 Append. C). As mentioned above, CABA does not produce any fish for harvest let alone 20,000 pounds per year, but is instead devoted entirely to scientific research. While the CAAP regulations also allow facilities with smaller production to be designated as CAAP facilities, this designation can only be made if the permitting authority determines that the facility "is a significant contributor of pollution to water of the United States...." The draft permit does not contain any finding that the CABA facility is a significant source of pollution but instead classifies the facility as a minor discharger. Accordingly, UCD respectfully requests that the findings categorizing the CABA facility as a CAAP subject to EPA's effluent limitations be deleted in its entirety from the draft permit.

Because the draft permit mistakenly lumps the CABA facility in with other CAAP facilities, the draft permit imposes extensive surface water and ground water monitoring requirements which are unreasonably expensive compared to the potential threat to waters of the state posed by the facility. UCD estimates, for example, that the ground water monitoring requirements imposed by the draft permit may require the installation of a minimum of six ground water monitoring wells at a capital cost of approximately \$150,000. In addition, the surface water and ground water monitoring requirements are estimated to cost approximately \$76,072 per year compared to the current monitoring program which cost approximately \$7,252 per year. These estimates do not include the cost of performing priority pollutant monitoring which is estimated to cost an additional \$5,000. In comparison, the entire current operating budget of the CABA facility is between \$50,000-60,000. Thus, over the five year life of the permit, the new monitoring requirements imposed by the draft permit would require UCD to spend over \$100,000 per year on monitoring which is nearly twice the entire budget of the CABA facility. Such a significant increase in the cost of operating the facility may result in a sharp reduction in the number and type of research projects conducted at the CABA facility or could even result in the closure of one or both of the CABA facilities. While the closure of the CABA facilities would be a blow to the University, it would also be a substantial blow to the ability of water quality agencies which sponsor the studies conducted at CABA.